



Right to Privacy, Constitutional Rights and latest reform in 2017

Manu Singla, Research Scholar (LLM), Department of LAW,
Punjab University, Chandigarh, m.singla04.ms@gmail.com

Abstract : The right to privacy refers concept that someone's particular information is protected from public scrutiny. U.S. Justice Louis Brande's called it "the right to leave alone". Although not explicitly stated in the American Constitution, some amendments provide the some protection.

ISSN 2454-308X



9 770024 543081

The right to privacy is often secured by statutory law. For ex., The Health Information Portability & Accountability Act protects a person's health information, & the Federal Trade Commission implements the right to privacy in various privacy statements & privacy policies.

The rights to privacy should often be equalized against the state attractive interests, including encouraging public safety & improving the quality of life. Motorcycle helmet & Seat belt laws requirements are ex. of such laws & while many Americans have enough information that the government saves personal information, mostly says that government surveillance is tolerable.

Key Words : Right To Privacy, Accountability Act & Health Information Movability.

Constitutional right

The right to privacy often has the right to personal autonomy, or the right to choose whether to engage in some acts or have some experience. Many amendments in the American Constitution have been used in various degrees of success in determining the right to individual autonomy:

1. The first amendment protects the confidentiality of beliefs
2. The third amendment protects the privacy of the home against its use for the soldiers.
3. Fourth Amendment protects privacy against inappropriate searches
4. Fifth Amendment protects against self-love, which in turn protects the privacy of personal information
5. The 9th Amendment says that "the rights of certain rights made by people in the constitution of some rights will not be considered for rejecting or humiliating." It has been interpreted as justification for the widely read of the Bill of Rights, in order to protect confidentiality in ways not specifically provided in the first eight modifications.



The right to privacy is often cited in the process section due to the 14th Amendment, which states:

"No state shall implement or enforce any law which will eliminate the privileges or elimination of citizens of the United States; Nor do any State deprive the person of life, liberty or property without proper procedure of law. Neither do any person deny equal protection of laws within their jurisdiction. "

- However, safety is at least defined & usually only related to family, marriage, maternity, reproduction & child-rearing.
- For example, for the first time, the Supreme Court recognized that the guarantee of various bill rights guarantees "the area of privacy" in *Griswold v. Connecticut*, the 1965 decision retained marital confidentiality & banned contraceptive.
- The court ruled in 1969 that the right to privacy reserves the right to see & see pornography in their home in the right of a person. Justice Thurgude Marshall wrote in *Stanley v Georgia*: "If the first amendment means anything, then it means that there is no person with a state who is sitting alone in his house, which books he can read Or which movies they can watch. "
- In 1972, the controversial case was *R. v. Wade* basically established the right to privacy, & it was necessary that any governmental violation of that right be justified by an attractive state interest. In *Row*, the court ruled that the strongest of the state in preventing abortion & protecting the mother's life is more than the mother's personal autonomy after feasibility only. Prior to viability, the right of a mother to privacy limits the state's interference due to the lack of interest.
- In 2003, in *Lawrence v. Texas*, the court reversed the earlier decision & found that Texas violated the rights of two gay men when they enforced laws prohibiting Sodomy. [Countdown: 10 milestones in gay rights history]
- Justice Anthony Kennedy wrote, "The petitioner deserves respect for his personal life, the state cannot reduce its existence by controlling its own sexual behavior or controlling its destiny. The right to freedom under them fulfills the right to join their conduct without the intervention of the government. "

Access to personal information

A person has the right to determine what kind of information is collected about them & how this information is used. In the market, FTC imposes this right through the laws for the purpose of preventing misleading practices & unfair competition.



- The Privacy Act of 1974 stops the unauthorized disclosure of personal information organized by the federal government. A person has the right to review their personal information, to ask for improvement & to inform about any disclosure.
- In Financial Monetization Act of 1999, Financial Institutions are required to provide a privacy policy to customers, which explains what kind of data is being collected & how it is being used. Financial institutions also require protection, which protects information collected from customers.
- The Fair Credit Reporting Act protects the personal financial data collected by credit reporting agencies. This act limits the access to such information & the agencies need to take simple procedures through which consumers can obtain their information, review it & make improvements.

Online privacy

User in Internet can protect their privacy by take step to prevent the collection of data. Maximum people using the internet are aware with tracking cookies. These online selling stores of data keep a log of your online activities & report, to the tracker host back. Data collected is usually for marketing purposes. For many Internet users, this is an attack on privacy. But there are numerous ways to prevent tracking cookies.

- Internet surfing in browser & social media platforms like Twitter & Facebook allow users to choose their privacy settings levels, to share everything to share only with friends only, like sharing profile picture, gender, your name, & To minimum share. The protection of personally identifiable data is important to protect identity stealing.
- Children Online-Privacy-Protection Act. (COPPA) enforces the right to control parental rights, which information websites collect about their children. Websites those target children under 13 years of age or intentionally collect information from children, they have to post privacy policies, get parental consent before collecting information from children, parents Decide how such information is used & provides opt-out options for future collection of child information.

Right to publicity

As soon as a person has the right to have personal-information private, he has the right to control the use of his identity for commercial promotion. The unauthorized use of someone's name or equality is recognized as an attack on privacy.

- Privacy attacks are four-types : infiltration(intrusion), regulation of name or equality, improper publicity & false illumination. If a company uses a person's picture in an



advertisement, which claims that a person supports a certain product, then a person can file a lawsuit claiming misuse.

Movable limits

The Supreme Court reaches the right to privacy & personal autonomy on a case-to-case basis. As the change in opinion regarding relationships & activities changes, & due to the limitations of personal privacy changes, primarily due to the social media & "sharing" environment, the definition of the right to privacy always varies.

Landmark Decision (2017): Privacy is a Fundamental Right

In a landmark decision, the Supreme Court of India announced on Thursday that the privacy is a fundamental right for each of the 1.3 billion citizens under the Constitution of the country. India has such a right to accept it in the world's largest democracy, the United States, Canada, South Africa, the European Union & the United Kingdom. In India, it can have a widespread impact. For example, laws that currently make homosexuality offenders can now be killed on the basis that the consent of adults is private.

Nine judges unanimously joined the decision that was a complete treatise on personal freedoms. The 547-page verdict reversed the earlier cases & declared, "Privacy is the constitutional center of human dignity."

References :

1. "Indian Supreme Court Declares Privacy A Fundamental Right." NPR.org. Accessed July 3, 2018. <https://www.npr.org/sections/thetwo-way/2017/08/24/545963181/indian-supreme-court-declares-privacy-a-fundamental-right>.
2. "Right to Privacy a Fundamental Right, Says Supreme Court in Unanimous Verdict." The Wire. Accessed July 3, 2018. <https://thewire.in/law/supreme-court-aadhaar-right-to-privacy>.
3. "Right to Privacy Is a Fundamental Right, It Is Intrinsic to Right to Life: Supreme Court - Times of India." The Times of India. Accessed July 3, 2018. <https://timesofindia.indiatimes.com/india/right-to-privacy-is-a-fundamental-right-supreme-court/articleshow/60203394.cms>.



4. “Right to Privacy Is Fundamental Right: ‘Reasonable Restrictions’ Remain as Supreme Court Delivers Historic Judgment.” Firstpost. Accessed July 3, 2018. <https://www.firstpost.com/india/right-to-privacy-is-fundamental-right-reasonable-restrictions-remain-as-supreme-court-delivers-historic-judgment-3968169.html>.
5. Sharp, Tim, Reference Editor | June 12, and 2013 05:34pm ET. “Right to Privacy: Constitutional Rights & Privacy Laws.” Live Science. Accessed July 3, 2018.